

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, June 5, 1990 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
Denise Civiletti, Councilwoman
Victor Prusinowski, Councilman
James Stark, Councilman

Absent: John Lombardi, Councilman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited .

Supervisor Janoski: "May I have a motion to approve the Board Meeting Minutes of April 3, April 17, Special Board of May 24 and a Public Hearing of May 29th, 1990

So moved, Councilman Stark and seconded by Councilman Prusinowski.

Supervisor Janoski: "Moved and seconded."

The vote: Prusinowski, yes; Stark, yes; Civiletti, yes, except I have to abstain on the Public Hearing on May 29th, because I was absent; Janoski, yes.

4 yes 1 abstention on the May 29th

Supervisor Janoski: " Reports."

REPORTS

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|-----------------------------------------------------------------------|-------|
| Tax Receiver-Collections as of May 29, 1990 (\$28,208,761.88) | Filed |
| Building Dept.-Monthly Report for May 1990 | Filed |
| Open Bid Report-Maxi Van/Senior Citizens | Filed |
| Open Bid Report-Copy Paper/Town Hall | Filed |
| Open Bid Report-Heavy Equipment/Tires/Sanitation | Filed |
| Open Bid Report-#2 Heating Fuel Oil/General Town | Filed |
| Open Bid Report-Diesel Fuel/General Town | Filed |
| Open Bid Report-Ext. 24R Johnstone Farms/Water (See water minutes) | Filed |
| Open Bid Report-Sun Up Water Lateral(see water minutes) | Filed |

Open Bid Report - Maxi Van

Bid Date: May 14, 1990
1 Bids Submitted

#1. NAME: Sayville Ford
ADDRESS: Bohemia, NY 11716
TOTAL BID: \$12,269.00

Open Bid Report - Copy Paper/Town Hall

Bid Date: May 30, 1990
3 Bids Submitted

NAME: Twin Forks Office Products
ADDRESS: Riverhead, NY
TOTAL BID: See File

NAME: Communication Paper Corp.
ADDRESS: Farmingdale, NY
TOTAL BID: See File

NAME: EJW Products
ADDRESS: Southampton, NY
TOTAL BID: See file

Open Bid Report-Heavy Equipment Tires/Sanitation

Bid Date: May 29, 1990
1 Bid Submitted

NAME: Toce Brothers, Inc.
ADDRESS: 143 E. Main Street, Torrington, CT
TOTAL BID: \$3,600.00

Open Bid Report-#2 Heating Fuel Oil/General Town

Bid Date: May 29, 1990
4 Bids Submitted

#1. NAME: Agway Energy Products
ADDRESS: Riverhead, NY
TOTAL BID: \$+.0320¢ per gallon

#2. NAME: George Rice Fuel Oil Corp.
ADDRESS: Medford, NY
TOTAL BID: \$.042¢ per gallon

#3. NAME: Warner's Oil Heat, Inc.
ADDRESS: Riverhead, NY
TOTAL BID: \$.055¢ per gallon

#4. NAME: Southampton Coal & Produce Co.
ADDRESS: Southampton, NY
TOTAL BID: \$.099¢ per gallon

Open Bid Report - Diesel Fuel/General Town

Bid Date: May 29, 1990
4 Bids Submitted

#1. NAME: Agway Energy Products
ADDRESS: Riverhead, NY
TOTAL BID: \$+.0320¢ per gallon

#2. NAME: Warner's Oil Heat, Inc.
ADDRESS: Riverhead, NY
TOTAL BID: \$.04¢ per gallon

#3. NAME: George Rice fuel Oil Corp.
 ADDRESS: Medford, NY
 TOTAL BID: \$.042¢ per gallon

 #4. NAME: Southampton Coal & Produce Co.
 ADDRESS: Southampton, NY
 TOTAL BID: \$.069¢ per gallon

APPLICATIONS;

| | |
|------------------------------------------------|-------|
| Site Plan- Fink's Country Farm Stand | Filed |
| Site Plan- William Dunkirk Trucking Station | Filed |
| Special Permit - Continental Industrial Center | Filed |
| Special Permit - C. K. Auto Repairs, Inc. | Filed |
| Special Permit - National Survival Games | Filed |

CORRESPONDENCE:

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------|
| Irving Meyer, Mary Hug & Family, Mr. & Mrs. Mr. & Mrs. Kohnken Charles Hager Mr. & Mrs. Drower Mr. & Mrs. Guthy Elaine Spero | Opposes any business to operate 24 hours in the Hamlet of Wading River | Filed |
| Robert Elet | Concerned about the future of Cases Creek | Filed |
| Verna Campbell | Thanks the Town Board for their recognition of her as Employee of the Quarter | Filed |
| Dorleese Stewart | Notifying the Town Board of the recently elected School Board Members | Filed |
| NYS D.O.T. | Comments on the D.E.I.S. of Splish Splash and requests that 6 copies of the Traffic Impact | |

| | | |
|--------------------|---------------------------------------------------------------------------------------------------------------------------|-------|
| | Study be sent to their engineer | Filed |
| NYS B.A.R. | Apologizes for premature mailing regarding Board of Assessment members not attending a Review Training meeting | Filed |
| Town Historian | States several reasons opposing the water park proposed by Splish Splash | Filed |
| P.T.C.A. | Stating their position regarding an application before the Board for the use of Polonaise Park and the tent for a wedding | Filed |
| Catholic Charities | Do not consent to reopening the comment period and proceeding with plans to locate on Hilton Ct. | Filed |
| Wendy Drumm | Submitting letter of resignation | |
| Peter Danowski | Informing Town Officials that State of NY is unwilling to purchase property of his client, O. Warner | Filed |
| State Comptroller | Advising Supervisor that repeated requests have failed to produce required filing of 1989 annual report for Town | Filed |

Supervisor Janoski: "The time for the first Public Hearing has not yet arrived. I would recognize anyone who wishes to be heard on any subject."

Steve Haizlip: "I would like to address the Highway Committee. I believe that is Mr. Prusinowski as one member and Mr. Lombardi says that he is not on it any more, so I guess Mr. Stark. On the Long Island Expressway Exit, I guess that would be 73, but the one that comes into Route 58. Several times I'm proceeding along and cars will just roll right down off that exit and will run into the side of you and you've got to move over for them. I've got to go down to the State Highway Department and speak with Mr. Shwartz and find out what's going on here. I went down there and talked with him and his staff and you won't believe that Route 58 is yielding traffic NOT the Expressway, Route 58! It's got to yield to the LIE traffic. I said this doesn't sound right here. You can go down I95 or any other road and when you exit to a main crossroad, you've got to watch out for the traffic. You just don't roll out into the road. Well he said, that's what we have to do. I guess I'll have to go to the Town Board meeting this Tuesday and speak with my Highway Committee

and the gentlemen in there said, I urged Mr. Prusinowski and I thought it was Mr. Lombardi, but now I remembered it wasn't, to write a letter and get a Yield Sign up there. There is not a Yield Sign on Route 58, there is no Yield Sign on the Expressway Exit."

Councilman Prusinowski: "We would write the letter to the State?"

Steve Haizlip: "D.O.T"

Councilman Prusinowski: "Oh, the State D.O.T."

Steve Haizlip: "The Department of Transportation. And he agrees with me that I'm right on it. He said that he can't do anything and he urges the Highway Committee of this Town -----"

Councilman Prusinowski: "To put the Yield Sign on the Expressway, where?"

Steve Haizlip: "The Yield Sign should be on the Expressway."

Councilman Prusinowski: "Yes, right. But on the ramp, not on 58."

Steve Haizlip: "Okay."

Supervisor Janoski: "Steve, you are absolutely right that a State Road does take precedence over a County Road. But, I would think that a ramp is not the Long Island Expressway, but an exit ramp. The same situation exists at the intersection of Route 58 and 25, east of here, in which Route 58 is the straight course, but 25 comes into it from the right, but it is the State Road that has the precedence and Route 58 must yield. Another one of those situations. But the ramp of the Long Island Expressway doesn't seem that it should have precedence, though it is off a state road."

Steve Haizlip: "Thirty seconds to comment. Today a accident and law suits, etc. An example, some guy in California went out into the shallow water, dove broke his neck and drowned. Well you didn't have any signs to tell me it was shallow water. Somebody is going to have an accident at one of these intersections and it isn't spelled out what to do, and he says I didn't know if I had the right of way or not there were no signs around telling me anything. Thank you Joe."

Dick Benedict, Riverhead: "I told Sam when I sat down here I wasn't going to say anything, but since Steve got up. I also called the County and I got some woman by the name of Sue. She said she would have their engineers look into it and get back to me, but she never did. Because I have the same situation. They crowd you right up against the guard rails. They have a merge."

They don't have a yield. I've told them that I thought it should be a yield sign."

Supervisor Janoski: "Isn't that about the same?"

Dick Benedict: "But I called the County instead of the State and some woman, her first name is Sue, said that she would get back to me, but she never did. Six days a week I travel that and I get the same thing. They crowd you right up against the guard rail and they come right out."

Supervisor Janoski: "Especially in the season that we are heading into."

Dick Benedict: "Well, it's only a merge sign. It doesn't even say merge. It just has the picture of merge. It's the same problem. Thank you."

Supervisor Janoski: "Thank you. We have reached the time for the first Public Hearing. I will reopen the meeting for comment after we have gone through this Public Hearing. Let the record show that the hour of 7:47 P.M. has arrived and the Town Clerk will please read the notice of Public Hearing.

PUBLIC HEARING - 7:45 P.M.

I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall on Tuesday, June 5, 1990 at 7:45 P.M. to hear all interested persons who wish to be heard regarding the Scoping Hearing of the applicant of Omni Technical Services, Inc.

Supervisor Janoski "I'm sure that the representatives of Omni Tech. are going to make an initial presentation. Let me just point out that this is a Scoping Hearing which gives those citizens who wish the opportunity to list those concerns that they feel should be addressed in the preparation of an Environmental Impact Statement. The hearing on the Special Permit Application is in the future and that of course is the hearing in which one expresses opposition or support for the proposal. This hearing is for the public to identify those issues which they feel should be addressed in the preparation of the Draft Environmental Impact Statement. Having said that, who is going to speak. In as much as the Town Board has seen this presentation, you might just want to put it in a place where the public can better see it."

Mark Wagner, Project Manager: "Omni Tech Services is a local firm with offices in Uniondale and Smithtown. We have been very active in recycling. We operate our own recycling facility in Westbury. We are currently building the largest recycling facility for the Town of Islip. Now we are embarking, hopefully, on a very good project for the East End of Long Island. The project that we are talking about is located on the intersections

of Middle Country Road and Fresh Pond Avenue. A 51 acre parcel. What we are proposing to do with the site is to construct and operate a 500 ton per day intensive recycling and composting operation that will handle municipal solid waste. The facility as seen on the rendering there, is a six acre building where all activities will be conducted indoors. That includes the receipt of waste, the recycling, the manual, the mechanical separation, where we will pull out glass, aluminum, ferrous items, cardboard, from the way stream and where we will compost the organic fraction, that is remaining. All the activities including the active composting, the curing and the storage of the material will be conducted indoors on concrete, paved surfaces, so there will be no liquid discharge from the operation other than the sanitary disposal system for the employees. The facility will receive waste from approximately 40 to 50 trucks a day. The facility will employ approximately 50 people in the various components of the hand separation and the composting operation. In the front of the parcel we have a 9 acre section zoned country rural. We are planning on restoring the existing frame structures and incorporating an environmental educational and scientific research center on the front 9 acre parcel. Here tests will be conducted by the local Cooperative Extension Service as well as outside laboratories. In addition to actually growing different agricultural crops in the compost material. The compost that will be generated at this facility already has long term commitments for sale at markets located off the Island. We anticipate and will guarantee at this facility that we can reclaim 70% of the incoming waste stream. It will either be recycled, removed or composted. The remaining 30% of the incoming waste will leave the facility in the same state that it entered the facility for disposal at either permanent landfills or resource recovery facilities. We estimate 12 to 15 months permanent acquisition followed by a 12 month construction period once all the appropriate permits are secured. Hopefully this facility will be able to meet some of the needs of the East End of Long Island with the closure of the landfills eminent and with some resistance to having resource recovery facilities located on the Eastern end of the Island. That's all I have to say. Thank you."

Supervisor Janoski: "Thank you. Is that the entire presentation?"

Mark Wagner: "Yes."

Supervisor Janoski: "I will recognize anyone wishing to be heard at this time."

Rob Goldman, NFEC: "These are our comments. The North Fork Environmental Council has been favorably impressed by the proposal of Omni Technical Services to build a 500 ton per day recycling and composting operation in Calverton. NFEC essentially agrees with the comments of the Planning Department on environmental significance of the proposal and supports the development of a full Draft Environmental Impact Statement as per SEQRA. For

the record we would like to see included in the DEIS the following items.

1. A full traffic study should be undertaken. The study should include the obvious routes and intersections surrounding the project site including Route 25, Route 25A, Edwards Avenue, Route 58, Route 24. Special attention should be paid to probable truck routes from Southampton Town and Southold Town.
2. A full energy analysis should be made for the DEIS.
3. A full noise and odor analysis should be made for the DEIS.
4. A full analysis of water usage should be done.
5. A full analysis of on site drainage and potential harmful runoff and leachate resulting from the processing of materials containing dyes, inks and other toxic chemicals should be done.
6. A full analysis of the projects ability to handle toxic materials which are accidentally or purposefully commingled with the other waste should be discussed.
7. A full analysis of the projects environmental monitoring system with emphasis on how the applicant will insure that all federal, state and Suffolk County operating permits will be adhered to. Will the applicant be able to maintain legal requirement on operations if the project accepts potentially more toxic waste from Brookhaven and Western Suffolk than from Eastern Suffolk?
8. A full analysis of the projects product quality control will be maintained with emphasis on NYS and Suffolk County standards for compost quality. Will the applicant be able to maintain legal requirements on the compost quality if the project again accepts more toxic waste from Brookhaven and Western Suffolk than from Eastern Suffolk?
9. A full analysis should be done on the projects emergency capability. That is, how will the applicant handle the waste stream if there is mechanical, labor, regulatory or transportation breakdown?
10. A complete analysis should be done of the project as it relates to the Towns Generic Environmental Impact Study on it's Solid Waste Management Plan in which we are going to have a hearing on it in a couple of weeks. That plan just came out. Special emphasis should be focused on the issue of solid waste reduction. How will this particular project affect the Town and regional policy in regards to solid waste reduction? It still needs to be fed at 500 tons a day so we will have to take that into account.
11. A complete economic analysis should be made. How will this project compare with other options such as a municipally owned and operated system? Included in this analysis should be a full discussion of the economic viability of the project including its current financing, markets and profits. How will these factors affect the cost of waste disposal for the average Riverhead citizen?
12. And finally there should be a discussion of alternative continued agricultural use of the southerly portion of the property which currently would serve as a rather large buffer area. That's it. Thanks."

Supervisor Janoski: "Thank you. Is there anyone else present wishing to address the Board on the matter of the scoping, the Environmental Impact Statement to be prepared? That being the case and without further objection, I declare the hearing to be closed at 7:59 P.M. Thank you gentlemen. Let the record show that the hour of 7:59 has arrived and the Town Clerk will please read the notice of Public Hearing."

PUBLIC HEARING - 7:55 P.M.

I have affidavits of publishing and posting for a Public Hearing to be heard at Riverhead Town Hall on Tuesday, June 5th, 1990 at 7:55 P.M. to hear all interested persons who wish to be heard regarding the petition filed for Thistle Downs Water Extension 38.

Sam McLendon, H2M: "This hearing tonight is for Extension 38 which was a matter that came before the Town Board and was approved about three years ago. It's primarily generated and caused by a development called Thistle Downs, which previously was to consist of 92 condominium units on properties east of Horton Avenue and south of Reeves Avenue. The revised plan of the Extension is still the same area as originally proposed which is about 205 acres that takes in properties on Middle Road as well as the Reeves, Horton area. It's now proposed that the property in the development consists of 44 units with most of the units south of Reeves Avenue. All costs of the water mains and accessories for the extension will be paid by the developer. It was estimated at \$273,000.00. When the project was a condo unit with private mains in the area, because of the higher fire flow required for condominium units or multi family units as opposed to single family and the less likelihood of being able to alloop the main back to Osborne Avenue or easterly to Roanoke, we had some 12 inch pipe in previously. Under the present plan it would be 8" pipe throughout. In addition to the new subdivision being served, water mains will be installed as part of this extension on Harrison Avenue, south of Middle Road, where there are no mains now and quite a few existing homes. If and when the development gets constructed that water main would go in at that time. Any questions? I would be glad to try to answer."

Supervisor Janoski: "Thank you Sam. Is there anyone present wishing to address the Board on the matter of Extension #38 of the Riverhead Water District? That being the case, and without objection, I declare the hearing to be closed. Let the record show that the hour of 8:03 P.M. has arrived and the Town Clerk will please read the notice of Public Hearing."

PUBLIC HEARING 8:00 P.M.

I have affidavits of publishing and posting for a Public Hearing to be held at Riverhead Town Hall on Tuesday, June 5, 1990 at 8:00 P.M. to hear all interested persons who wish to be heard with regard to the Extension to the Riverhead Water District to be known as 18B.

Sam McLendon, H2M: "Extension 18B Somerset Glen is primarily again to serve a substantial proposed residential development which is on the east side of Northville Turnpike, extending easterly to County Drive or CR 105 and situated north of the Main Road. The total area in the extension is about 235 acres. Some of the proposed development is already within the Water District along the northeast side of Doctor's Path. This extension would take in both sides of Northville Turnpike up to as far north as the development property extends. One hundred twenty one single family homes are proposed in the subdivision. The estimated cost is \$464,000.00 which would be paid for by the developer. As part of the extension, the main or Northville Turnpike is proposed as a 12 inch transmission main which will be a step in the Riverhead Water District getting another loop or parallel supply system to the northeast part of the Town. Any questions? I will be glad to answer."

Supervisor Janoski: "Thank you Sam. Anyone present wishing to address the Town Board on Extension #18B? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 8:06 P.M. has arrived and the Town Clerk will please read the notice of Public Hearing."

PUBLIC HEARING 8:05 P.M.

I have affidavits of publishing and posting for a Public Hearing to be held at the Riverhead Town Hall on Tuesday, June 5, 1990 at 8:05 P.M. to hear all interested persons who wish to be heard for the Proposed Lease of the Portion of the Real Property of the Riverhead Water District for the Purpose of Installing Cellular Telephone Antennas."

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant?"

Peter Danowski, Esq., Riverhead: "For the applicant I have brought with me, representatives of the organization in case any technical questions should be asked. I would just briefly indicate to the audience that this is a proposed lease. It's not unlike a lease that has been previously negotiated with the towns of Easthampton and within the Town of Southampton within the district in Hampton Bays. We're basically a Cellular Telephone Company who wish to put some antennas on top of the Town Water District Water Tank. We would also like to build a little building that would house equipment on the Water District Property. What we are proposing to do, is to pay the Town's Water District \$2,000.00 a month for the nonexclusive privilege of putting this equipment on the Water District Property. I would say that compared to the other two towns, the Town of Riverhead's done better financially and that \$2,000.00 per month is the highest figure amongst the three towns. This is required to be subject to a Public Hearing. The lease is available and has been available at the Town Clerk's Office. We've had discussions with Council for the Town, both Mr. Lundberg and Mr.

Ehler's and we brought this proposal before the Town Board and also spoken to Gary Pendzick, the Water District Superintendent. We think this would improve service in the area and add some money to the Town coffers for the Water District purposes and certainly would be a benefit to the Town."

Supervisor Janoski: "Peter, how big is the building?"

Peter Danowski: "The building is not large. We are talking about in the nature of 500 square feet. It is not a building to be manned or housed with Health Department related facilities. This is merely to house the equipment. We would come there periodically to check and see if the equipment is there and not vandalized or whatever, so it's not something that will have a tremendous amount of usage."

Supervisor Janoski: "It houses electronic transmission equipment?"

Peter Danowski: "That's correct. Receiving and sending equipment."

Supervisor Janoski: "Why do I have to do your job for you?"

Peter Danowski: "Because I'm the one that says lawyers should talk law and should never talk engineering. Howie Young has taught me that early on with the surveying business and I keep the technical questions to the people I bring with me."

Supervisor Janoski: "Peter could you describe the size the antenna in relationship to a broomstick?"

Peter Danowski: "Let me bring some of the technical people up here, but I will say we discussed the whip type antennas and we brought the photographs up to show you what the antennas look like. We had a hard time distinguishing them against the sky. But the majority of whip like antennas similar to something you might see on a car, but they are larger in size. There is also a dish type and another type of antenna. But I'll give the four people who sit in the back row, like in a church, and ask one of them to step forward and explain any details regarding the antennas. Give your name and address for the Town Clerk."

Carl Cardinale, 11 Village Green Way, Hazlett, New Jersey:
"I'm a degreed electrical engineer, employed with Metro I. The sticks that we are referring to are a brand of antenna by Antel. It is approximately 13 feet long and 2 1/2 inches in diameter. It's made out of fiberglass and has an aluminum support pipe and weighs approximately 30 pounds. The other antennas are ----I have some information you can have here on them."

Supervisor Janoski: "Basically the Town Board has seen these. It's just that I want to have as part of the record, things that I know the answer to already, but it has to be put on

the record. How the antenna at the distance that we are talking about, from the ground passing by, would be somewhat invisible."

Carl Cardinale: "That's correct. The tank itself is approximately 151 feet high. The tip of these antennas will be at 167 feet. So it is pretty high up there."

Supervisor Janoski: "Is there any light or lighting that is necessary with this antenna?"

Carl Cardinale: "Lighting is not necessary, since we are not extending above 20 feet of the tank."

Supervisor Janoski: "Anybody got any questions?"

Councilwoman Civiletti: "Are we going to get insurance?"

Peter Danowski: "Yes, we are. The lease agreement covers the liability charge."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on the matter of the proposed lease agreement with Cellular Telephone Company to lease space on our Water Tower and the property below it."

Steve Haizlip, Calverton: "When it says on Water District Property. Is that the main plant or is it on Route 58 where the Water Tower is up there?"

Supervisor Janoski: "It's the Water Tower off of Route 58."

Steve Haizlip: "Okay. Next question. Will these antenna, structural subassemblies be tied into the main assembly of the tank or are they going to be tied into the extreme structure of the fence that goes around. Because people are going to be cutting into that tank up there. I don't think they are going to be using self tapping screws. We're going to get some leakage or maybe some damage. So I would like to know about that."

Supervisor Janoski: "Well they are not going to drill a hole into the tank proper, believe me. Would any of the people like to answer that question? How are you going to attach the antenna to the tank? Please say you are going to put it on the weights."

Peter Danowski: "I can verify that one. That we are not drilling holes into the tank where the water supply is. We are going to tie it to any structures that might be there."

Supervisor Janoski: "Thank you Steve. Is there anyone else present wishing to address the Board? Gary Pendzick do you have any comment at all?"

Gary Pendzick: (inaudible)

Supervisor Janoski: "Dick."

Dick Benedict, Riverhead: "He mentioned briefly some type of dish type of antenna besides the whip. Could he tell us anything about the dish type?"

Peter Danowski: "There was an indication of what the possibilities might be and it was described in the lease arrangement. There was a possibility of having one two foot dish antenna. So in describing that we could call the gentlemen up here again and get more details. But the size of it, if you are afraid of the description dish, is not large."

Dick Benedict: "Okay. Could maybe we save some room for expansion for Riverhead Police or ambulance? Thank you."

Supervisor Janoski: "There is plenty of room. We have our own tower next door. Yes. Mr. Kasperovich."

William Kasperovich, Wading River: "Over the past two decades I've heard many people come up here and ask permission to put towers, various structures and items poking up into the sky. The big thing was always our maximum height of 35 feet. Now at no time in the past was any consideration whatsoever given to using the existing structures that reach up into the sky. Now all of a sudden we are taking exception and considering allowing somebody to do just that. In light of all the people we said no to, I haven't heard any justification on why we should give it to these people. Technically it's probably a workable scheme. However, we have had policy in this Township and now we seem to have changed about face. I feel that if we are going to allow one company, we're going to open the door to many other companies. There have been people coming into this township looking to see what they could use to reach up into the sky and there was never an indication that the use of the Water Department facilities would be tolerated or permitted. To me this is a matter of precedent. If we are going to open the door, we've got to know and consider all the aspects of the door becoming open. Thank you."

Supervisor Janoski: "Thank you Bill. Is there anyone else present wishing to address the Town Board on the matter of this application? Peter where did you go? Will you make available to the Town Board a schematic drawing of the antenna and the building?"

Peter Danowski: "Yes I will. In fact we did send copies over to the Building Department for an advanced look in case they had any criticism of what we were suggesting. So they have got copies and we will deliver some to your office."

Supervisor Janoski: "Thank you Peter. Before I close this hearing is there anyone who has any question or any comment to

make on this application. That being the case and without objection, I declare the hearing to be closed. Before we move on to resolutions is there anyone who has any comment or question or anything at all to say on any subject. Cy we haven't recognized you yet this evening."

Cy Walsh, Riverhead: "While we are getting into these Stop Signs that are put up in the wrong place. I feel that the Stop Sign at Route 58 and Mill road going east. You come off a 40 or 45 mile per hour speed on Route 58 and you get zapped with a Stop Sign. I think the Stop Sign should be on Mill Road. It's just another one of those, I don't know what you would call it."

Supervisor Janoski: "Is that the Stop Sign, the big Stop Sign as you make the curve from Route 58 onto Mill. That's a Suffolk County venture."

Cy Walsh: "Well whomever."

Supervisor Janoski: "Well, we will tell them. Is there any other comment, question? Florence."

Florence Sykora, Riverhead: "I would just like to ask a question." Is there supposed to be anybody monitoring the racetrack when they are having an event?"

Supervisor Janoski: "Officially no. We have, as a Town Board, to try to build upon the good neighbor policy to see if the operators of the racetrack could be depended upon to minimize noise through the use of mufflers, to adhere to the scheduling, that is part of the agreement. So far I have heard no complaint. I don't know if any other member of the Town Board has."

Florence Sykora: "I think that it was expressed Saturday. There were quite a few complaints called into the Police Department."

Supervisor Janoski: "Is that right?"

Florence Sykora: "Yes. And we were told by them that the person who was supposed to rate the monitoring is working the midnight shift. This past Saturday he was supposed to be giving a CPR lesson."

Supervisor Janoski: "I will check into that, but I'm not aware that we have assigned anybody to monitor with the noise level equipment."

Florence Sykora: "I think you would have to ask the Police Department on that question. But I thought that this was supposed to be done. That there was supposed to be somebody there to monitor the sound. As far as friendship is concerned, I think if there was and I'm pretty sure that most of the area of Riverhead this past Saturday, heard the noise that was coming from the racetrack."

Supervisor Janoski: "Well should they become a problem in the Community, I think they are injuring themselves. Because failing to receive cooperation from the operators, will leave the Town Board with no alternative, but to start enacting legislation which would become very restrictive."

Florence Sykora: "Alright, thank you."

Joseph Sykora, Riverhead: "I wasn't going to say anything about this racetrack at all. I even washed my hands of the whole thing, because of the way the things have been operated. We went out and hired an outfit for \$4,200.00. The Town bought the instrument for \$15,000.00. Then we trained an officer, Sgt. Grossman how to use the equipment. Then there were supposed to be two other cops trained to read the equipment. And you, Mr. Janoski, waved a piece of paper before election time at a meeting and you said I have all the information here and everything will be in place by April. There is nothing done. You call the Police Department, they won't do anything. But when the racetrack calls the Police Department for a problem, they are up there right away to take care of the problem for the racetrack. Last year twice they had to escort drivers out of the racetrack to the Town line. This year so far there's been two fights there. The Police Department went up to the track and broke up the fights. There has been cars vandalized on Lilco's property which the cops have been called up on by Bob O'Rourke. But when we want something done, the cops can't go in there and enforce the law. But they can go up there and help the racetrack out, when they have a problem."

Supervisor Janoski: "It seems the commission of a crime is something that the Police Department is charged to do. If someone vandalizes an automobile or if there is an altercation or fight, they don't make a decision as to whether they are going to go or not, they must respond. As far as your complaints, I don't know exactly what they have been. This is the first this season that I have heard anything about the racetrack. I have kind of hoped that things were going well there. The piece of paper that you say that I waved, was the study that was completed, which I asked to be done. No question about it. The legislation enacting those provisions which resulted from that study have been written up. The Board had a Public Hearing and in it's wisdom decided that we would like to try not to regulate, but to depend upon what I called a good neighbor policy to see if we could get compliance not through lawmaking, but through the fact that there has to be coexistence. Now that's what we are trying."

Joe Sykora: "Well, Mr. Prusinowski was on the Board a couple of years ago, we had a meeting right here with three race car drivers. There were five people from different parts of the Town and we all sat down and discussed this problem. Your talking about cooperation. They all agreed, but they never cooperated. Now, you expect them to cooperate now! When they didn't do it then. Thank you."

Supervisor Janoski: "Thank you. Cathy. Shall I anticipate your question?"

Cathy Casey, Wading River: "Go ahead I dare you."

Supervisor Janoski: "As of this afternoon, Mr. Augusto DeMichiel has submitted nothing new in the way of information or in support of his application. The 30 day period, as you know, has run out. Our Town Attorney has advised me that the mortgage holder of the property, which I was unaware of, has communicated with the Town indicating that he, of course, is very concerned about his building and before we move to tear it down he would like to be contacted, which I will attempt to do tomorrow. But as far as helping their cause, Mr. Augusto DeMichiel has done absolutely nothing. We will contact the mortgage holder of the property to see what they have on their mind. I know that the Planning Department has pleaded with the engineer who represents Mr. Augusto DeMichiel in his application, many times by telephone and has received no response from the engineer. So it appears that the Town Board, barring some unforeseen event, will be faced with the question of deciding to demolish the building. Now if the mortgage holder would ask for the opportunity to foreclose on the mortgage and to remedy the problems himself. [I believe he lives in Miller Place] I as one member of the Board will demand that we have exceptional professionals working on his behalf once again within a time frame that the submission be completed so that we can make a decision as to whether to approve the site plan during the normal process. But the current owner has added nothing to what has been done in the past. And I visited the site this very morning and nothing has changed except maybe a few more broken windows."

Cathy Casey: "Who is the mortgage holder, if I may ask?"

Supervisor Janoski: "It's on my desk. If you are going to stay through the entire meeting I will be happy to share that with you."

Cathy Casey: " Okay. I wasn't going to ask about it, but I'm glad you volunteered the information anyway. Gotcha. What are these applications for Fink's Country Farm Stand? What are they requesting?"

Supervisor Janoski: "That's a site plan. I thought I saw Mr. Fink here? Oh there you are. Mr. Fink, you can answer that question yourself, if you would like. But you have to come up here Donald. Is that your only question, Cathy?"

Cathy Casey: "No I also want to know what the C. K. Auto Repairs is also asking?"

Donald Fink, Wading River: "I am proposing to put in a thousand gallon LP Tank to fill just twenty pound barbecue tanks. That's all."

Supervisor Janoski: "Well that answers that question. Thank you Donald."

Cathy Casey: "And on C. K.?"

Supervisor Janoski: "I do not know what that application is. I don't see anybody here."

Town Clerk, Irene J. Pendzick: "C.K. Auto Repairs. It's a site plan at Wading River, Manor Road, Wading River for conforming commercial expansion of the prior nonconforming use to wits. Storage tanks for home heating oil exist on the premises. We wish to reactivate their use for sale of home heating oil. No new structures need to be built. Certain safety requirements such as alarms, subflooring for containment will be built to comply with fire and health requirements."

Cathy Casey: "They are already on site though, in other words. They just haven't been used."

Supervisor Janoski: "You know that is interesting. C.K. was interested in this some, some time ago. And I drive by there at least once a day and I swear that those tanks are not there anymore. Bruce, can you tell me about C.K. Auto on Wading River Manor Road. There are or were oil storage tanks there. Are they still there?"

Bruce: "Still remain there. Still standing."

Supervisor Janoski: "Oh okay."

Cathy Casey: "One other quick question or a statement I guess really. As you see you are getting letters in from Wading River with regards to 24 hour businesses. The Hamlet of Wading River again would like you to strongly consider passing whatever, taking whatever steps necessary to insure that no businesses will operate in the Hamlet of Wading River for more than approximately 17 hours a day."

Supervisor Janoski: "I have been in several discussions with members of the Planning Department, discussing that very issue. It is my view that hours of business should be incorporated into the zoning which is unique to Wading River. It should be nondiscriminatory making exemption for those businesses which are regulated by the State of New York to it. Restaurants with a liquor license or taverns, pubs, that kind of thing."

Cathy Casey: "They still would fall within approximately 17 hours a day."

Supervisor Janoski: "The State of New York regulates the hours of operation of taverns, restaurants, liquor licenses and we must give to them what is theirs."

Cathy Casey: "Well what would you estimate they-----"

Supervisor Janoski: "I will defer that to someone who knows better than I because he did have a liquor license at one time."

Councilman Vic Prusinowski: "The County can shorten the hours, but they cannot lengthen them. Also anybody with a liquor license really----- The Southland Corporation took the Village of Sag Harbor to court and won. Also I would like to point out that I think you should be writing letters to [as I was going to tell Mr. Schmelzer in about five minutes], I would direct them to our State Representatives. It's the same thing as that. Unfortunately Southland Corporation has a financial disincentive in the franchise agreements which penalizes franchise holders if they do not stay open 24 hours a day. Most of the people that own the 7-11 would prefer to close down because of the help situation. But in speaking to some of the people that own 7-11's, if you do not open 24 hours a day, there is, I believe, a 7 or 8% deduction of your take and that's spread out over the 17 hours. For most locations, that's why they are open 24 hours a day because you get penalized for the rest of the day on your overall split with the Company. That is a fact. What I would suggest, you might want to contact and I saw one of the agreements."

Supervisor Janoski: "Southland's policy is not a problem. Basically in a court case you can't discriminate a business, like 7-11. That is why the suggestion is you make it part of the zoning code. All businesses within the zoning, and I think it's consistent with the idea of what was intended with the creation of the zone as a rural residential community, and the businesses that serve such an area, should not be open 24 hours a day. So it's consistent with the idea and the creation of the zoning and it must be broad based. Every business with the exception of those that are regulated by a higher authority. That's the approach that we are taking. We may be challenged in it. After we hold a hearing, we may not enact it. But it is being prepared in that form."

Cathy Casey: "Okay. I understand that. But just for your information, as I told you, we did write to Southland and we wrote to the Chairman of the Board, Mr. Thomas or Thompson. It's two brothers that own it. But still you didn't answer my question. Under the State of New York, with a liquor license, how many hours of business on a daily basis are they allowed to do. Approximately."

Councilman Vic Prusinowski: "You can open up actually 24 hours a day except for the hours of -----"

Cathy Casey: "How can it be 24 hours a day when a bar can't serve liquor after 3 o'clock in the morning?"

Councilman Vic Prusinowski: "No, that's not true. You can serve liquor up until (I think) 4 a.m. in New York State. In New York City you can serve liquor all day long 4 to 6. And on Sunday's I believe it's from 4 o'clock until 12 noon on Sunday morning. Four a.m. to 12 noon. Most bars choose not to stay open to 4 a.m. to closing time."

Cathy Casey: "I know years ago it used to be in the City 4 o'clock and Nassau County it was 3."

Councilman Vic Prusinowski: "It used to be Saturday night 2 o'clock or 3 o'clock. But that has been changed. It's 4 a.m."

Cathy Casey: "Till 4 a.m. They can stay open and sell liquor 24 hours a day?"

Councilman Prusinowski: "Well almost literally. For example you can get a special license for that. Most places in New York City do that. Out in Suffolk County, most places do not. They will stay open until 4 a.m. Now they cannot serve liquor from 4 a.m. to 12 noon on Sundays. But they can start again at 6 a.m. You can open up at 6 a.m. That's a tavern license. A delicatessen can serve beer 24 hours a day except for 4 a.m. to 12 noon on Sunday."

Supervisor Janoski: "But as Vic points out there are different types of licenses. Those issues are being addressed within the drafting of what is going on."

Councilman Stark: "It's basically an open container vs. a packaged container."

Cathy Casey: "Bars don't have to be open 24 hours a day. That's ridiculous. We wonder why there are accidents."

Councilman Prusinowski: "Most bar owners do close around 2 o'clock for a lot of reasons. Like on the Southshore in the summertime most of them do open to about 3 o'clock in the morning."

Cathy Casey: "Well I was young once, I like my three or four and have my breakfast at 4 in the morning."

Councilman Prusinowski: "Our local taverns close around 3 o'clock."

Cathy Casey: "But I still think that they should not be opened 24 hours a day. Thank you."

Scott Hygom, Baiting Hollow: "In regard to the Omni Technical Service and their project. The gentlemen from the EPA brought up just about everything that I'm concerned about except for the hours of operation. If this is going to be a private company, and other towns will be bringing their garbage in, will

they be running all hours of the night bringing in garbage to and from?

Supervisor Janoski: "Their initial proposal is to work a regular shift."

Scott Hygom: "Which is 8 hours a day?"

Supervisor Janoski: "An 8 hour day. Should there need to be an increase in their handling capacity they could work two shifts. But let me point out that the Town Board has within its purview to set the regulations and restrictions upon the operation of any business that we issue a special permit to. If you want to address that particular question about a study concerning impact. Is that what you want to do?"

Scott Hygom: "Yes, the hours of operation."

Supervisor Janoski: "Okay. That should be included in the Environmental Impact Statement. I don't see anybody here representing them, but we will try that word to them."

Dick Benedict: "A couple of months ago I think we passed a resolution about no stopping, standing signs for Waldbaum's Shopping Center. As of yesterday, I don't recall seeing any signs there and I know summer is getting very close and we are going to be deluged with summer residents. Is there a problem with that signage or is that just in the works yet?"

Supervisor Janoski: "Quite frankly Dick, I don't know."

Dick Benedict: "It seems like several months has gone by."

Councilman Stark: "It's really the obligation of the landlord."

Supervisor Janoski: "Are you talking about actually putting it up?"

Dick Benedict: "Yes."

Supervisor Janoski: "Oh that's not our obligation."

Dick Benedict: "Well somebody has to put it up so that the Police can enforce it."

Supervisor Janoski: "Chief."

Riverhead Chief of Police, Larry Grattan: "Since the ordinance was passed we have been in contact with the company, in fact the Town Attorney has written to the company, explaining to them that they have to bear the cost of the signs and the placement of the signs. And that they ought to contact the Police Department for the correct format for the signs and where the

signs should be placed. We've heard nothing back from the company. I'll try writing to them again. But it's their obligation to bear the cost of the signs and the installation. They haven't done anything on it."

Steve Haizlip, Calverton: "Dick brought to mind about the merge signs. And in my survey, I did see that sign but I'm going to be perfectly honest with you, I didn't know what the symbol meant. All it was was an arrow and a little leader, down on the right. So if that means merge; but it's in yellow. I understand anything in yellow is informational only! Not enforceable!"

Supervisor Janoski: "It is just an information to you that traffic is merging ahead. That is all it is."

Steve Haizlip: "When you speak about state roads having the right of way over county arteries. Well I disagree with that and I believe the Chief of Police would probably disagree with that because you come down off of the L. I. Expressway and there is a county road, that doesn't give you right to barge into the on-coming traffic. I believe that the traffic rules and laws are probably set up for the entering traffic into a main artery to beware of the main artery traffic. If it's the state, because the state says, I'm Mr. State of New York and I can push you around; we don't go for that because we have got to think of the safety and welfare of the people. Thank you."

Supervisor Janoski: "Thank you Steve. Any other comments. We are going to take a recess until the hour of 9:00 P.M. in which we will take up the resolutions."

Supervisor Janoski: "The time is now 9:04 P.M. and the meeting will now come to order. Is there anyone wishing to address the Board on any matter? Mr. Kasperovich."

William Kasperovich: "The first item I have is a question. Last week Thursday in midafternoon, I noticed two gentlemen in shirt sleeves and clip boards inspecting the bridge over the Peconic River, going through the parking lot from Peconic Avenue. I asked who they were and they just shook their head. They wouldn't answer any question. I said, I'm just a man off the sidewalk being curious. So I thought I would ask here whether we are having anybody of technical or professional nature checking that bridge?"

Supervisor Janoski: "Nope."

William Kasperovich: "I looked at it to see what they could possibly be doing. It could be just a periodic annual or something inspection, but at the same time the cracking of the surface on one side of the bridge could be indications of some problems. I think the Town should, if they are not alerted to this, to see what is being done or what is being concerned with."

Supervisor Janoski: "We will do that. Peconic Avenue is a county highway as is Roanoke, which surprises a lot of people. So I would imagine that they are from the County DPW doing an inspection and I would be happy-----I would bet that I would be talking to Commissioner Hurley tomorrow on another matter, so I will ask that question."

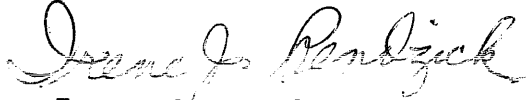
William Kasperovich: "Well being so secretive raised my curiosity. Why they were so secretive about it, not saying who they were or what they were doing. Being that they were doing it, actually making notes and writing figures, they weren't just taking a look, see."

My next item and I'll try to make it short because you did say at the last meeting that I generally try to come in with a "big brush." Well today I came with a little brush. Abused, but still good for something. Now the topic is public safety. I have talked to several people in Suffolk County that the Code Enforcement Officer vehicles also are marked Public Safety. The attitude towards public safety is not what it should be in Riverhead. It seems, rather than make an issue, you present it to somebody in a friendly personal type way. You say, "Why are you being concerned there, my insurance is paid up." I say, yes, but this open for the public, the public comes through here. The public has to be concerned. I say, I don't want to go to the Town Hall and gripping or complaining, but at the same time I have memories of coming to the Town Hall and talking to people that were supposed to be in authority and they said well that's private property, that has nothing to do with us. I said yes, but it's for the public. Now I think the Town Board should review the policies and the philosophies that they expect the Fire Marshall, the Building Inspector and other people who do or should be doing inspecting work as they normally travel about the Township. And this is not being done as well as I would think it should be. So granted, this is talking with a large brush and I don't want to point my finger or bring up any particular example of which I have many, not that I look for them. They just jump out at me as I go about the Township. I think this should be brought to intense viewing by the people involved. Thank you."

Supervisor Janoski: "Thank you Bill. We are going to take up the resolutions."

There being no further business on motion or vote, the meeting adjourned at 9:23 P.M.

IJP:ch


Irene J. Pendzick
Town Clerk